XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(26)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A. NO. 376/2004

Appellant (Insurer) : National Insurance Company Ltd. through its Asstt. Manager, National Insurance Company, B-1 Taha Complex 2nd Floor, Ring Road No. 2, Priyadarshani Nagar, Bilaspur (Chhattisgarh)

VERSUS

Respondents (owner of vehicle) :

1. Rajkumar Srichand, S/o Not known, R/o Gurunanak Chowk Torwa, Bilaspur (Chhattisgarh)
2. Manharanlal Kaushik, S/o Hamru Prasad Kaushik, Aged about 32 years, Driver R/o Gurunanak Chow, Torwa, Bilaspur (Chhattisgarh)

RESPONDENT (Claimant)

3. Goverdhan, S/o Latel Ram, aged about 11 years, Next Friend/Guardian : Latel Ram R/o Vill. Kirari, Tah. Masturi, Distt. Bilaspur.

5.4.2007

Shri Sanjay K. S. Agrawal, counsel for the appellant/Insurer.

Shri Sunil Otwani, counsel for respondents No. 1 & 2.

Heard on admission.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

This appeal is directed against the impugned award dated 20.2.2004 passed in Claims Case No. 62/2002 whereby the learned Claims Tribunal even after holding that driver of the erring vehicle was not having valid and effective driving licence at the time of accident and even after absolving the Insurance Company from the payment of compensation, has directed the Insurance Company to pay compensation to the claimants and recover the same from the owner and driver of the vehicle i.e. respondents No. 1 and 2 herein.

I have heard learned counsel for the appellant.

The above direction issued by the learned Claims Tribunal is in accordance with the judgment of the Hon'ble Apex Court in the matter of **National Insurance Co. Ltd. Vs. Swaran Singh** reported in **2004 (I) Accidents Claims Journal 1,** wherein paragraph 102 (x) it has been held that "where on adjudication of the claim under the Act the Tribunal arrives at a conclusion that the insurer has satisfactorily proved its defence in accordance with the provisions of section 149(2) of read with sub-section (7), as interpreted by this court above, the Tribunal can direct that the insurer is liable to be reimbursed by the insured for the compensation and other amounts which it has been compelled to pay to the third party under the award of the Tribunal.

GRPRJ — FS/246— 2/2007 — 50,000.

2/1914

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

मामला क्रमांक MA 376/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	In view of above, there is no illegality or infirmity in the impugned award of the learned Claims Tribunal which calls for interference. Accordingly, the appeal being devoid of substance is liable to be dismissed at the admission stage itself and is hereby dismissed. Sd/- DHIRENDRA MISHRA Judge	

2/9/14